

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**January 31, 2002**

DIVISION ONE

[illegible]

Judgment is affirmed. The petition for writ of error coram vobis is denied.

Mallano, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B145466 People (Not for Publication)  
v.  
Radillo

The judgment is affirmed.

Spencer, P.J.

I concur: Mallano, J.  
I concur in the judgment only: Vogel (Miriam A.), J.

B153591 Deborah G. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(L.A. County Department of Children & Family Services, r.p.i.)

The petition is dismissed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B149096      Pedus Building Services, Inc., et al.      (Not for Publication)  
v.  
Allen

The order is reversed. Plaintiffs are awarded costs on appeal.

Spencer, P.J.

We concur:    Ortega, J.  
                 Vogel (Miriam A.), J.

B138851      People      (Not for Publication)  
v.  
Arellano et al.

The judgments of defendants Arellano and Jovel are modified by striking the firearm use enhancements under Penal Code section 12022.53, subdivision(b), on their burglary convictions (counts 7 and 10 for defendant Arellano, count 10 for defendant Jovel). As so modified, the judgments are affirmed. Defendant Arellano's abstract of judgment is corrected to provide 330 days of actual local time and 49 days of local conduct credits. The clerk of the court is directed to prepare corrected abstracts of judgment for defendants Arellano and Jovel and to forward them to the Department of Corrections. Defendant Perez's judgment of conviction is affirmed. His case is remanded for resentencing.

Spencer, P.J.

I concur:      Mallano, J.  
I concur in the judgment only:      Vogel (Miriam A.), J

## DIVISION ONE (Continued)

B149555 People (Not for Publication)  
v.  
Ponce

The judgment is reversed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.  
Mallano, J.

B149547 People (Not for Publication)  
v.  
Gamez

The judgment is modified to strike the \$200 domestic violence assessment imposed pursuant to section 1203.097, the \$100 state penalty assessment imposed pursuant to section 1464 and the \$70 county penalty assessment imposed pursuant to Government Code section 76000. The judgment is modified further to reflect the imposition of a \$200 restitution fine pursuant to section 1202.4, subdivision (b), and to reduce the parole revocation fine imposed pursuant to section 1202.45 from \$250 to \$200. As modified, the judgment the judgment is affirmed. The clerk of trial court is directed to prepare a corrected abstract of judgment consistent with this opinion and forward a copy to the Department of Corrections.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B151719      De Oliveira                      (Not for Publication)  
                 v.  
                 Zeinaty

The judgment is affirmed.

Spencer, P.J.

We concur:   Ortega, J.  
                 Mallano, J.

DIVISION TWO

B146672      Los Angeles County, D.C.F.S.      (Not for Publication)  
                 v.  
                 Marnetta W.

The order of the juvenile court is affirmed.

Cooper, J. (Assigned)

We concur:   Boren, P.J.  
                 Doi Todd, J.

DIVISION THREE

B143674      Cadvan Griffiths  
                 v.  
                 Superior Court, Los Angeles County  
                 (Medical Board of California, r.p.i.)

Filed order vacating submission order of October 31, 2001 due to the press  
of other court business and the complexity of the issues. Cause  
resubmitted.

January 31, 2002-Continued

### DIVISION THREE (Continued)

B143293      People      (Not for Publication)  
v.  
Malbrue

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Kitching, J.

B146154      People      (Not for Publication)  
v.  
Jung

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

B145452 People (Not for Publication)  
v.  
Daniels

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

January 31, 2002-Continued

### DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B147420      People                          (Not for Publication)  
v.  
Nam

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

DIVISION FOUR

B148188      Goodstein      (Not for Publication)  
v.  
The Doctors' Company et al.

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

DIVISION FOUR (Continued)

B141898      Goguen et al.                      (Not for Publication)  
                 v.  
                 Allstate Insurance Company

The summary judgment on appellants' first amended complaint is reversed with respect to the claim for negligent misrepresentation, and otherwise affirmed. The parties are to bear their own costs.

Curry, J.

We concur:    Vogel (C.S.), P.J.  
                 Hastings, J.

DIVISION FIVE

B146460      People                                      (Not for Publication)  
                 v.  
                 Cheryl Bradley

The clerk of the superior court shall prepare a corrected abstract of judgment and forward a copy to the Department of Corrections. The judgment is affirmed in all other respects.

Turner, P.J.

We concur:    Grignon, J.  
                 Armstrong, J.

B142318      Ysidro Flores                              (Not for Publication)  
                 v.  
                 Mobil Corporation et al.

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur:    Grignon, J.  
                 Mosk, J.

DIVISION FIVE (Continued)

B150106      Kirsten Fox                      (Not for Publication)  
                 v.  
                 County of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Grignon, J.  
                 Armstrong, J.

B151920      People                                      (Not for Publication)  
                 v.  
                 Leanna Williams

The judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.  
                 Mosk, J.

B145239      People                                      (Not for Publication)  
                 v.  
                 Robert Howell

The two-year midterm sentence is reversed as to count 6. The matter is remanded for limited resentencing as to count. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Armstrong, J.  
                 Mosk, J.



DIVISION SIX

B142188 Ark Telecommunications, Inc., et al.  
v.  
State Farm Fire and Casualty, et al.

On the court's own motion, petition for rehearing is GRANTED to correct a clerical error.

B142188 Ark Telecommunications, Inc., et al. (Not for Publication)  
v.  
State Farm Fire and Casualty Co., et al.

The judgments are affirmed. Costs are awarded to respondents.

Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.

DIVISION SEVEN

B151503 Apodaca (Not for Publication)  
v.  
Chodod

The judgment is reversed. Appellant shall bear his own costs on appeal.

Lillie, P.J.

We concur: Woods, J.  
Perluss, J.

January 31, 2002-Continued

## DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur: Woods, J.  
Perluss, J.

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.  
Perluss, J.

B146579      Lewis                                  (Not for Publication)  
v.  
Astro Office Products

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur:   Johnson, J.  
                      Perluss, J.

January 31, 2002-Continued

DIVISION SEVEN (Continued)

B145042 McMahon (Not for Publication)  
v.  
El Camino Community College District

The judgment is affirmed. Each party to bear their own costs.

Lillie, P.J.

We concur:   Johnson, J.  
                      Woods, J.

B148167 People (Not for Publication)  
v.  
Willis

The judgment is reversed only insofar as the court failed to impose a term for the offense in count 5, a violation of Health and Safety Code section 11357, subdivision (c), possessing marijuana. The cause is remanded for the court to sentence for that offense. In all other respects, the judgment is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Woods, J.

B148752	People v. Mozqueda	(Not for Publication)
B151746	Mozqueda on Habeas Corpus	

The judgment is affirmed. The petition for writ of habeas corpus is denied.

Lillie, P.J.

We concur:   Johnson, J.  
                      Perluss, J.

January 31, 2002-Continued

## DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.  
Perluss, J.

B146307 People (Not for Publication)  
v.  
Robles

The judgment is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Perluss, J.

## DIVISION EIGHT

Court convened at 9:00 A.M.

Present: Rubin, Acting P.J., Boland, J. and Emma Jean Amos, Deputy Clerk. Justice Rubin announces that Presiding Justice Cooper is unable to be present for oral argument. Counsel who wish to argue before the court this date will stipulate to Justice Cooper's participation by listening to the tape recording of oral argument.

Each of the Following:

B141511 People v. Shishalovsky  
B145591 People v. Maldonado  
B146868 People v. Walker & Bankston  
B146884 People v. Sanchez  
B148284 Allen v. Estate of Abraham Friedman  
B148378 People v. Analla  
B151048 D.C.F.S. v. Jose R.

DIVISION EIGHT (Continued)

Each of the following (continued):

Argument waived, cause submitted.

B143701     Rodriguez et al.  
              v.  
              R.M.S. Inspection

Appearances:

James T. Gilbride for respondents. No appearance by counsel for appellant.  
Argument waived, cause submitted.

B147067     Greene  
              v.  
              Wulterin et al.

Merits:

Argued by Calvin Greene, appellant in propria persona and appearance only  
by counsel for respondents. Cause submitted.

B148925     Adaimy  
              v.  
              Alberstone & Evangelatos

Merits:

Argued by Ernest J. Franceschi for appellant and by John W. Sheller for  
respondents. Cause submitted.

B141129     Claxton  
              v.  
              Pacific Maritime et al.

Merits:

Argued by Joseph R. Zamora for appellant and by David Cathcart for  
respondents. Cause submitted.

DIVISION EIGHT (Continued)

B149489     Wong  
              v.  
              McMillian  
              Hunt et al.

Merits:

Argued by Rollin Wong for appellant and by William McMillian and Daniel J. Buckley for respondents. Cause submitted.

B149449     People  
              v.  
              Moscarelli

Oral argument continued to February 26, 2002 at 9:00 A.M.

B141282     Arlok  
              v.  
              Ameritech Corporation et al.

Oral argument continued to February 26, 2002 at 9:00 A.M.

Court recessed at 10:13 A.M.

Court reconvened at 1:00 P.M.

Present: Rubin, Acting P.J., Boland, J. and Connie Hon, Deputy Clerk. Justice Rubin announces that Presiding Justice Cooper is unable to be present for oral argument. Counsel who wish to argue before the court this date will stipulate to Justice Cooper's participation by listening to the tape recording of oral argument.

B148626     National American Insurance Company  
              v.  
              Arutiunian

Merits:

Argued by Ronald Miyamoto for appellant and no appearance for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B145314     Eshraghi  
              v.  
              Ashoorian

Merits:  
Argued by Claudia Ribet for appellant and by Jeffrey Greenwald for  
respondent. Cause submitted.

B148886     Menacho et al.  
              v.  
              Chu et al.

Merits:  
Argued by Michael P. Rubin for appellants and by Michael Fitts for  
respondents. Cause submitted.

B146984     Medina  
              v.  
              City of Los Angeles et al.

Appearances:  
Ira M. Salzman for appellant and Gregory Orland, deputy city attorney, for  
respondents. In open court, counsel for respondents requested continuance  
of oral argument. Request granted, oral argument continued to February  
26, 2002 at 9:00 A.M.

B139962     Squire  
              v.  
              Goodrum et al.

Merits:  
Argued by Daniel Gonzalez for appellant and by Anthony E. Sonnett for  
respondent. Cause submitted.

Court adjourned at 2:49 P.M.